

# SENATE BILL No. 91

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-9-2; IC 31-19; IC 34-30-2-133.7.

**Synopsis:** Release of identifying adoption information. Repeals, effective January 1, 2017, provisions applicable to adoptions finalized before January 1, 1994, that prohibit the release of identifying adoption information unless a consent to release the information is on file. Provides that, beginning January 1, 2017, identifying adoption information may be released unless a nonrelease form is on file, regardless of when the adoption was filed. (Under current law, this provision applies only to adoptions filed after December 31, 1993.) Replaces a nonrelease form with a contact preference form. Provides that a nonrelease form submitted before January 1, 2017, remains in effect unless the form lapses. (The introduced version of this bill was prepared by the interim study committee on courts and the judiciary.)

**Effective:** January 1, 2017.

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## Steele

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January 5, 2016, read first time and referred to Committee on Judiciary.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 91

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 31-9-2-23.8 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 JANUARY 1, 2017]: **Sec. 23.8. "Contact preference form" means**  
4 **the form prescribed by the state registrar under IC 31-19-25-4.6.**

5       SECTION 2. IC 31-9-2-89, AS AMENDED BY P.L.206-2015,  
6 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JANUARY 1, 2017]: Sec. 89. (a) "Person", for purposes of  
8 IC 31-19-19, ~~IC 31-19-22~~, IC 31-19-25, and the juvenile law, means:

- 9           (1) a human being;  
10          (2) a corporation;  
11          (3) a limited liability company;  
12          (4) a partnership;  
13          (5) an unincorporated association; or  
14          (6) a governmental entity.  
15       (b) "Person", for purposes of section 44.5 of this chapter, means an  
16 adult or a minor.  
17       (c) "Person", for purposes of IC 31-27, means an individual who is



at least twenty-one (21) years of age, a corporation, a partnership, a voluntary association, or other entity.

(d) "Person", for purposes of the Uniform Child Custody Jurisdiction Act under IC 31-21, has the meaning set forth in IC 31-21-2-13.

(e) "Person", for purposes of the Uniform Interstate Family Support Act under IC 31-18.5, has the meaning set forth in IC 31-18.5-1-2.

SECTION 3. IC 31-9-2-97.4, AS ADDED BY P.L.191-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 97.4. "Professional health care provider", for purposes of ~~IC 31-19-22~~ and IC 31-19-25, has the meaning set forth in IC 34-6-2-117.

SECTION 4. IC 31-9-2-107, AS AMENDED BY P.L.104-2015, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 107. (a) "Relative", for purposes of IC 31-19-18 ~~IC 31-19-22~~, and IC 31-19-25, means:

- (1) an adoptive or whole blood related parent;
- (2) a sibling; or
- (3) a child.

(b) "Relative", for purposes of IC 31-34-3, means:

- (1) a maternal or paternal grandparent;
- (2) an adult aunt or uncle;
- (3) a parent of a child's sibling if the parent has legal custody of the sibling; or
- (4) any other adult relative suggested by either parent of a child.

(c) "Relative", for purposes of IC 31-27, IC 31-28-5.8, IC 31-34-4, IC 31-34-19, and IC 31-37, means any of the following in relation to a child:

- (1) A parent.
- (2) A grandparent.
- (3) A brother.
- (4) A sister.
- (5) A stepparent.
- (6) A stepgrandparent.
- (7) A stepbrother.
- (8) A stepsister.
- (9) A first cousin.
- (10) An uncle.
- (11) An aunt.
- (12) Any other individual with whom a child has an established and significant relationship.

SECTION 5. IC 31-19-9-6, AS AMENDED BY P.L.191-2011,



SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. The individual who or agency that arranges for the signing of a consent to adoption shall provide each birth parent whose consent to adoption is obtained under this chapter with the following:

(1) An explanation concerning the following:

(A) The availability of adoption history information under IC 31-19-17 through IC 31-19-25.5.

(B) The birth parent's option to file a **nonrelease contact preference** form with the state registrar if the birth parent seeks to restrict the release of identifying information.

(C) That identifying information may be released unless the birth parent files the **nonrelease contact preference** form with the state registrar **indicating the birth parent's lack of consent to the release of identifying information.**

(2) A **nonrelease contact preference** form prescribed by the state registrar under ~~IC 31-19-25-4~~. **IC 31-19-25-4.6.**

SECTION 6. IC 31-19-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 7. Upon request, the state registrar shall provide an individual or agency with a **nonrelease contact preference** form required by section 6(2) of this chapter.

SECTION 7. IC 31-19-20-4, AS AMENDED BY P.L.191-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 4. IC 31-19-19, this chapter, and ~~IC 31-19-21~~ **IC 31-19-23** through IC 31-19-25.5 do not restrict a provider (as defined in IC 16-18-2-295) from releasing medical records to an attorney or agency arranging an adoption if the provider receives the appropriate authorization under IC 16-39-1.

SECTION 8. IC 31-19-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. (a) ~~A person who has transmitted identifying or nonidentifying information under IC 31-19-18-2~~ **An:**

(1) **adoptive who is at least twenty-one (21) years of age; or**

(2) **adoptive parent of an adoptee who is less than twenty-one (21) years of age;**

may consent to the release of identifying information concerning the **person adoptee** in a signed writing.

(b) The consent described in subsection (a) must identify the persons to whom the information may be released.

SECTION 9. IC 31-19-21-3, AS AMENDED BY P.L.191-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JANUARY 1, 2017]: Sec. 3. A holder of information that receives a consent made under this chapter (or IC 31-3-4-27 before its repeal) may release identifying and nonidentifying information only in conformity with:

- (1) the last version of the consent filed with the holder; and
- (2) ~~IC 31-19-22~~ and IC 31-19-24 through IC 31-19-25.5.

SECTION 10. IC 31-19-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 5. The state registrar may contact a ~~person~~ **an adoptee or adoptive parent** who submits a written consent under this chapter that is:

- (1) incompletely; or
- (2) inaccurately;

executed to inform the ~~person~~ **adoptee or adoptive parent** regarding the error in the execution of the consent form.

SECTION 11. IC 31-19-21-6, AS AMENDED BY P.L.191-2011, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 6. The following persons shall provide for the storage and indexing of consents made under this chapter to carry out ~~IC 31-19-22~~ and IC 31-19-24 through IC 31-19-25.5:

- (1) The state registrar.
- (2) The department.
- (3) County offices of family and children.
- (4) Licensed child placing agencies.
- (5) Professional health care providers (as defined in IC 34-6-2-117).
- (6) Courts.

SECTION 12. IC 31-19-22 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. (Release of Identifying Information).

SECTION 13. IC 31-19-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 1. **Before January 1, 2017**, this chapter applies to **all** adoptions that are filed after December 31, 1993. **Beginning January 1, 2017, this chapter applies to all adoptions, regardless of the date the adoption was filed.**

SECTION 14. IC 31-19-25-3, AS AMENDED BY P.L.128-2012, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) A birth parent may restrict access to identifying information concerning the birth parent by filing a ~~written nonrelease~~ **contact preference** form with the state registrar that evidences the birth parent's lack of consent to the release of identifying information under this chapter.

(b) A person who arranges for the signing of a consent to adoption



shall provide the birth parent with a ~~nonrelease~~ **contact preference** form and the explanation described in IC 31-19-9-6.

(c) Except as provided in sections 15 and 17 of this chapter, the following persons may not release any identifying information concerning a birth parent to an individual requesting the release of identifying information under section 2 of this chapter if a ~~nonrelease~~ **contact preference** form **that evidences the birth parent's lack of consent to the release of identifying information** is in effect at the time of the request for identifying information:

- (1) The state registrar.
- (2) The department.
- (3) A local office.
- (4) A licensed child placing agency.
- (5) A professional health care provider.
- (6) The attorney who arranged the adoption.
- (7) A court.

(d) Except as provided in subsection (f), the ~~nonrelease~~ **contact preference** form filed under this section

- (1) remains in effect ~~during the period indicated by the individual submitting the form;~~
- (2) is ~~renewable;~~ and
- (3) ~~may be withdrawn at any time by the individual who submitted the form.~~

**until the birth parent who filed the contact preference form files a new contact preference form.**

(e) The ~~nonrelease~~ **contact preference** form is no longer in effect if the birth parent consents in writing to the release of identifying information and has not withdrawn that consent.

(f) A ~~nonrelease~~ **contact preference** form is no longer in effect if the birth parent who filed the ~~nonrelease~~ **contact preference** form is deceased unless the ~~nonrelease~~ **contact preference** form specifically states that the ~~nonrelease~~ **contact preference** form remains in effect after the birth parent's death.

SECTION 15. IC 31-19-25-3.5, AS AMENDED BY P.L.128-2012, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3.5. The following persons shall send a copy of a ~~written nonrelease~~ **contact preference** form received by the person from a birth parent to the state registrar:

- (1) The department.
- (2) A local office.
- (3) A licensed child placing agency.
- (4) A professional health care provider.



(5) An attorney.

(6) A court.

SECTION 16. IC 31-19-25-4 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 4: The state registrar shall prescribe the nonrelease form described in section 3 of this chapter. In prescribing the nonrelease form, the state registrar shall devise the form in a manner that indicates that the birth parent's lack of consent to the release of identifying information is to remain in effect for the time indicated by the birth parent. The form must:

(1) contain a space in which the birth parent may check "yes" or "no" concerning whether the individual submitting the form desires the state registrar to send notice to the birth parent's most recent address at the time that the form lapses in cases in which the birth parent has not chosen to prevent the nonrelease form from lapsing; and

(2) indicate that the birth parent may choose to prevent the nonrelease form from lapsing.

SECTION 17. IC 31-19-25-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 4.4. (a) Notwithstanding any other law, a nonrelease form that:**

(1) indicates the birth parent's lack of consent to the release of identifying information; and

(2) was submitted by a birth parent before January 1, 2017; remains in effect for the time indicated by the birth parent on the nonrelease form.

(b) Unless a birth parent has indicated on the nonrelease form that the birth parent does not desire the state registrar to send notice to the birth parent at the time that the birth parent's nonrelease form lapses, the state registrar shall mail a notice to a birth parent who submitted a nonrelease form as described in subsection (a) at least ninety (90) days before the birth parent's nonrelease form lapses indicating that:

(1) the nonrelease form will lapse; and

(2) if the birth parent prefers not to be contacted by a person requesting identifying information, the birth parent must file a contact preference form indicating that the birth parent does not want to be contacted.

(c) A nonrelease form is no longer in effect if the birth parent consents in writing to the release of identifying information and has not withdrawn that consent.

(d) A nonrelease form is no longer in effect if the birth parent



1 who filed the nonrelease form is deceased unless the nonrelease  
 2 form specifically states that the nonrelease form remains in effect  
 3 after the birth parent's death.

4 SECTION 18. IC 31-19-25-4.6 IS ADDED TO THE INDIANA  
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 6 [EFFECTIVE JANUARY 1, 2017]: Sec. 4.6. (a) The state registrar  
 7 shall prescribe a contact preference form for birth parents. The  
 8 form must include the following:

9 (1) A component in which a birth parent is to indicate one (1)  
 10 of the following with regard to a person that requests  
 11 identifying information:

12 (A) That the birth parent welcomes the person to contact  
 13 the birth parent directly and authorizes the release of  
 14 identifying information.

15 (B) That the birth parent prefers that the birth parent be  
 16 contacted through an intermediary and does not authorize  
 17 the release of identifying information directly to the  
 18 person.

19 (C) That the birth parent prefers that the person not  
 20 contact the birth parent directly or through an  
 21 intermediary and does not authorize the release of  
 22 identifying information.

23 (D) That the birth parent:

24 (i) prefers that the person not contact the birth parent as  
 25 provided under clause (C); but

26 (ii) welcomes the state registrar to contact the birth  
 27 parent to request that the birth parent update the birth  
 28 parent's medical information.

29 (2) A component in which a birth parent who prefers to be  
 30 contacted through an intermediary as provided under  
 31 subdivision (1)(B) may designate a third party to act as the  
 32 intermediary for the birth parent.

33 (3) Provisions necessary for the state registrar to be able to  
 34 identify the adoption file of the adoptee to whom the form  
 35 pertains.

36 (4) A notice that the birth parent may change the birth  
 37 parent's indicated preference regarding contact by filing a  
 38 new contact preference form with the state registrar.

39 (5) A notice that an adoptee who does not know which court  
 40 entered the adoption decree regarding the adoptee may seek  
 41 assistance from the state registrar.

42 (b) The state registrar may accept a completed contact





1 preference form from a birth parent only if the birth parent  
 2 provides to the state registrar one (1) item of identification of the  
 3 birth parent.

4 (c) Except as provided in subsection (f), a contact preference  
 5 form submitted by a birth parent to the state registrar does not  
 6 lapse.

7 (d) If a birth parent has previously completed and submitted a  
 8 contact preference form, the state registrar shall replace the birth  
 9 parent's previous contact preference form with the birth parent's  
 10 new contact preference form.

11 (e) A birth parent may file a completed contact preference form  
 12 with the state registrar to change the birth parent's indicated  
 13 preference regarding contact as many times as the birth parent  
 14 wishes.

15 (f) A contact preference form is no longer in effect if the birth  
 16 parent who filed the contact preference form is deceased, unless the  
 17 contact preference form specifically states that the contact  
 18 preference form remains in effect after the birth parent's death.

19 SECTION 19. IC 31-19-25-4.8 IS ADDED TO THE INDIANA  
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JANUARY 1, 2017]: Sec. 4.8. (a) If a birth parent  
 22 indicates that the birth parent prefers to be contacted through an  
 23 intermediary as described in section 4.6(a)(1)(B) of this chapter,  
 24 the state registrar shall:

25 (1) attempt to make personal contact with the third party  
 26 designated by the birth parent under section 4.6(a)(2) of this  
 27 chapter; or

28 (2) attempt to make personal contact with the birth parent if  
 29 the birth parent did not designate a third party as the birth  
 30 parent's intermediary under section 4.6(a)(2) of this chapter.

31 (b) At the time that the state registrar makes contact with a:

32 (1) birth parent; or

33 (2) third party designated by the birth parent;

34 the state registrar shall request that the birth parent update the  
 35 birth parent's medical information with the state registrar.

36 (c) If the birth parent indicates that the birth parent welcomes  
 37 the state registrar to contact the birth parent for the purpose of  
 38 updating medical information as provided in section 4.6(a)(1)(D)  
 39 of this chapter, the state registrar shall attempt to make personal  
 40 contact with the birth parent to request that the birth parent  
 41 update the birth parent's medical information.

42 (d) All communications by the state registrar under this section



are confidential.

(e) The state registrar discharging in good faith the responsibilities under this section is immune from all civil and criminal liability that otherwise might result.

SECTION 20. IC 31-19-25-5 IS REPEALED [EFFECTIVE JANUARY 1, 2017]. Sec. 5: Except as provided under section 4 of this chapter, the state registrar shall mail a notice to a birth parent who submits a nonrelease form under section 3 of this chapter within ninety (90) days before the birth parent's nonrelease form lapses. The notice:

(1) shall be mailed to the most recent address of the birth parent that has been supplied to the state registrar; and

(2) must indicate:

(A) the date upon which the form is to lapse; and

(B) that the nonrelease form is renewable.

SECTION 21. IC 31-19-25-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 11. The state registrar shall provide for the storage and indexing of requests and nonrelease contact preference forms under this chapter.

SECTION 22. IC 31-19-25-12, AS AMENDED BY P.L.191-2011, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 12. The state registrar may contact an individual who submits a request form or nonrelease contact preference form that is incorrectly or incompletely executed to inform the individual regarding the error in the execution of the form.

SECTION 23. IC 31-19-25-13, AS AMENDED BY P.L.128-2012, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 13. (a) The following persons may charge a reasonable fee for actual expenses incurred in complying with this chapter:

(1) A licensed child placing agency.

(2) The court.

(3) The department.

(4) A local office.

(5) A professional health care provider.

(6) The state department of health, except as provided in subsection (b).

(b) The state department of health may not charge a fee for filing a nonrelease contact preference form under this chapter.

SECTION 24. IC 31-19-25-16, AS ADDED BY P.L.191-2011, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 16. If an individual submits a request for the release of identifying information under section 2 of this chapter, the



1 state registrar shall search the death certificates in the state registrar's  
2 possession regarding:

3 (1) a related adoptee:

4 (A) who has not submitted a consent for the release of  
5 information under IC 31-19-21; and

6 (B) whose consent is necessary before identifying information  
7 may be released to the individual who has submitted the  
8 request; or

9 (2) a birth parent who has filed a written nonrelease form ~~under~~  
10 ~~section 3 of this chapter~~: **(before January 1, 2017) or a contact**  
11 **preference form (after December 31, 2016).**

12 SECTION 25. IC 31-19-25-17, AS ADDED BY P.L.191-2011,  
13 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JANUARY 1, 2017]: Sec. 17. (a) If, upon searching the death  
15 certificates under section 16 of this chapter, the state registrar finds that  
16 an adoptee or a birth parent is deceased, the state registrar shall:

17 (1) inform the individual requesting the release of the identifying  
18 information under section 2 of this chapter of the death; and

19 (2) release the identifying information if additional consent is not  
20 required by this chapter.

21 (b) The state registrar may not release identifying information under  
22 subsection (a) concerning:

23 (1) a birth parent or adoptee if additional consent is required by  
24 this chapter; or

25 (2) a birth parent if a ~~nonrelease contact preference~~ form  
26 submitted by the birth parent **that evidences the birth parent's**  
27 **lack of consent to the release of identifying information**  
28 **specifically states that the nonrelease contact preference form**  
29 **remains in effect after the birth parent's death.**

30 SECTION 26. IC 31-19-25.5-4 IS REPEALED [EFFECTIVE  
31 JANUARY 1, 2017]. Sec. 4. (a) ~~This section applies to adoptions that~~  
32 ~~are filed before January 1, 1994.~~

33 (b) Except as provided under subsections (d) and (e), the state  
34 registrar shall release the name and address of a pre-adoptive sibling  
35 to an adoptee who submits a written request under section 2 of this  
36 chapter if the following requirements are satisfied:

37 (1) The pre-adoptive sibling of the adoptee has submitted a  
38 written request under section 2 of this chapter.

39 (2) Each birth parent who is listed on the adoptee's original birth  
40 certificate has submitted a written consent for release of  
41 identifying information under IC 31-19-21.

42 (c) Except as provided under subsections (d) and (e), the state



1 registrar shall release the name and address of an adoptee to a  
 2 pre-adoptive sibling of the adoptee who submits a written request under  
 3 section 2 of this chapter if the following requirements are satisfied:

4 (1) The adoptee has submitted a written request under section 2  
 5 of this chapter.

6 (2) Each birth parent who is listed on the adoptee's original birth  
 7 certificate has submitted a written consent for release of  
 8 identifying information under IC 31-19-21.

9 (d) The consent of a birth parent is not required for the release of  
 10 information under this section if a person who submits a request under  
 11 section 2 of this chapter provides:

12 (1) a death certificate;

13 (2) an obituary; or

14 (3) any other form of evidence approved by the state department  
 15 of health;

16 indicating that a birth parent is deceased to the state registrar for each  
 17 birth parent who is named on the adoptee's original birth certificate.

18 (e) The state registrar shall search the death certificates in the state  
 19 registrar's possession regarding a birth parent if an adoptee and a  
 20 pre-adoptive sibling of the adoptee have submitted written requests to  
 21 be in contact. If the state registrar determines that a birth parent is  
 22 deceased, the consent of the birth parent who is deceased is not  
 23 required for the release of the information under this section.

24 (f) If the state registrar is prohibited under this section from  
 25 releasing the name and address of a pre-adoptive sibling or an adoptee,  
 26 the state registrar shall provide information on requesting the release  
 27 of adoption information under IC 31-19-24 to the adoptee or  
 28 pre-adoptive sibling requesting the release of the information.

29 SECTION 27. IC 31-19-25.5-5, AS AMENDED BY P.L.6-2012,  
 30 SECTION 205, IS AMENDED TO READ AS FOLLOWS  
 31 [EFFECTIVE JANUARY 1, 2017]: Sec. 5. (a) This section applies to  
 32 adoptions that are filed after December 31, 1993.

33 (b) (a) Except as provided under subsections (d) and (f), (c) and (e),  
 34 the state registrar shall release the name and address of a pre-adoptive  
 35 sibling to an adoptee who submits a written request under section 2 of  
 36 this chapter if:

37 (1) the pre-adoptive sibling of the adoptee has submitted a written  
 38 request under section 2 of this chapter; and

39 (2) a birth parent has not filed a:

40 (A) written nonrelease form (before January 1, 2017); or

41 (B) contact preference form (after December 31, 2016) with

42 the state registrar under IC 31-19-25 that evidences the birth



- 1                   **parent's lack of consent to the release of identifying**  
 2                   **information.**
- 3           ~~(e)~~ **(b)** Except as provided under subsections ~~(d)~~ and ~~(f)~~; **(c) and (e)**,  
 4 the state registrar shall release the name and address of an adoptee to  
 5 a pre-adoptive sibling of the adoptee who submits a written request  
 6 under section 2 of this chapter if:  
 7           (1) the adoptee has submitted a written request under section 2 of  
 8 this chapter; and  
 9           (2) a birth parent has not filed a:  
 10               **(A) written nonrelease form (before January 1, 2017); or**  
 11               **(B) contact preference form (after December 31, 2016) with**  
 12               the state registrar under IC 31-19-25 **that evidences the birth**  
 13               **parent's lack of consent to the release of identifying**  
 14               **information.**
- 15           ~~(d)~~ **(c)** Except as provided under subsection ~~(g)~~; **(f)**, the state  
 16 registrar shall release information under this section if:  
 17           (1) both the adoptee and pre-adoptive sibling of the adoptee have  
 18 submitted requests under section 2 of this chapter; and  
 19           (2) the adoptee or pre-adoptive sibling who requested information  
 20 under section 2 of this chapter submits:  
 21               (A) a death certificate;  
 22               (B) an obituary; or  
 23               (C) any other form of evidence approved by the state  
 24 department of health;  
 25 indicating that a birth parent is deceased to the state registrar for  
 26 each birth parent who is named on the adoptee's original birth  
 27 certificate.
- 28           ~~(e)~~ **(d)** The state registrar shall search the death certificates in the  
 29 state registrar's possession regarding a birth parent if:  
 30           (1) an adoptee and a pre-adoptive sibling of the adoptee have  
 31 submitted written requests to be in contact; and  
 32           (2) a birth parent has filed a ~~nonrelease~~ **contact preference** form  
 33 under IC 31-19-25 **that evidences the birth parent's lack of**  
 34           **consent to the release of identifying information.**
- 35           ~~(f)~~ **(e)** Except as provided under subsection ~~(g)~~; **(f)**, if, upon  
 36 searching the death certificates under subsection ~~(e)~~; **(d)**, the state  
 37 registrar finds that a birth parent is deceased, the state registrar shall:  
 38           (1) inform the adoptee and pre-adoptive sibling of the death; and  
 39           (2) release the information if additional consent is not required by  
 40 this chapter.
- 41           ~~(g)~~ **(f)** The state registrar may not release information under this  
 42 section to an adoptee or pre-adoptive sibling if:



(1) additional consent is required under this chapter; or

(2) a:

**(A) nonrelease form (before January 1, 2017); or**

**(B) contact preference form (after December 31, 2016) that evidences the birth parent's lack of consent to the release of identifying information;**

submitted by a birth parent specifically states that the nonrelease **form or contact preference** form shall remain in effect after the birth parent's death.

~~(h)~~ **(g)** If the state registrar is prohibited from releasing the name and address of the pre-adoptive sibling under this section, the state registrar shall provide information on requesting the release of adoption information under IC 31-19-24 to the adoptee or pre-adoptive sibling.

SECTION 28. IC 34-30-2-133.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: **Sec. 133.7. IC 31-19-25-4.8 (Concerning the state registrar regarding contacting a birth parent or intermediary).**

